

Supreme Court

Court of Appeals

State of Alaska

MEREDITH MONTGOMERY
Clerk of Court

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ANCHORAGE, ALASKA
99501-2084
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RYAN MONTGOMERY-SYTHE
Chief Deputy Clerk

December 9, 2020

Fleur L. Roberts
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Ann Black
Office of Criminal Appeals
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Re: *Jason Rak v. State of Alaska*
Court of Appeals Case No. A-13254

Dear Counsel:

Judge Tracey Wollenberg has asked me to contact you regarding her participation in this case.

Jason Rak is appealing the superior court's dismissal of his post-conviction relief application. On appeal, Mr. Rak is represented by Fleur L. Roberts.

Mr. Rak previously pursued a direct appeal of his underlying convictions. The notice of appeal was filed by the Office of Public Advocacy, but representation of Mr. Rak was subsequently transferred to the Public Defender Agency. At the time of the transfer, Margi Mock was the supervising attorney of the appellate section at the Public Defender Agency.

Rak v. State

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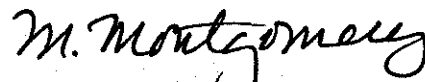
Mr. Rak's case was ultimately assigned to Assistant Public Defender Sharon Barr for briefing. Ms. Barr entered her appearance in the appeal on May 31, 2011. In July 2011, Ms. Barr filed Mr. Rak's opening brief. In May 2012, Mr. Rak — still represented by Ms. Barr — withdrew his direct appeal.

After Ms. Barr entered her appearance in Mr. Rak's case but before she filed the opening brief, Judge Wollenberg became the supervising attorney of the appellate section at the Public Defender Agency.

Judge Wollenberg has informed me that she has no recollection of discussing Mr. Rak's case with Ms. Barr or of directly participating in Mr. Rak's appeal. And Judge Wollenberg does not believe that her prior position during the pendency of Mr. Rak's direct appeal will affect her ability to be fair and impartial in Mr. Rak's post-conviction relief appeal. However, she wishes to provide the parties with an opportunity to object to her participation in this case.

Objections, if any, should be in writing and filed on or before **December 24, 2020**. (Any objection may be filed by email directed to me.) The parties need not provide an explanation for any objection. If an objection is filed, Judge Wollenberg will not be informed which party objected, and she will not participate in the case.

Sincerely,

A handwritten signature in cursive script that reads "M. Montgomery".

Meredith Montgomery